

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY THREATT,

Plaintiff,

Case Number: 07-CV-11592

v.

HONORABLE AVERN COHN

THOMAS BIRKETT, ET AL.,

Defendants.

\_\_\_\_\_ /

**ORDER**  
**DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION (Doc. No. 37)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983 which has long since closed. In 2007, plaintiff filed a complaint claiming that defendants violated his right to due process because he has been placed on “modified access,” which limits his ability to utilize the established prison grievance procedure. Plaintiff proceeded without prepayment of the filing fee under 28 U.S.C. § 1915(a)(1). The Court dismissed the complaint under 28 U.S.C. § 1915(e)(2), because it failed to state a claim upon which relief may be granted. See Order of Summary Dismissal filed April 16, 2007. Plaintiff appealed. The Court of Appeals for the Sixth Circuit affirmed. Threatt v. Birkett, No. 07-1752 (6<sup>th</sup> Cir. Feb. 19, 2008) (unpublished). The Supreme Court denied certiorari. See Order filed October 21, 2008. Plaintiff then filed a “Sixty B Motion” in which he again says the Court erred in dismissing his complaint. The Court denied the motion. See Order filed August 17, 2010.

Before the Court is plaintiff's motion for reconsideration of the denial of his Rule 60(b) motion.. For the reasons that follow, the motion is DENIED.

II.

Plaintiff's motion is governed by E.D. Mich LR 7.1(h)(3), which provides in relevant part:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

Plaintiff has not satisfied this standard. As explained in the order denying plaintiff's Rule 60(b) motion, plaintiff failed to demonstrate that he was entitled to Rule 60(b) relief. Nothing in plaintiff's motion for reconsideration convinces the Court that it erred. Moreover, as explained in several prior orders, plaintiff's complaint was properly dismissed because it failed to raise a constitutional claim.

SO ORDERED.

Dated: September 21, 2010

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to:  
Anthony Threatt 182625  
Baraga Maximum Correctional Facility  
13924 Wadaga Road  
Baraga, MI 49908

on this date, September 21, 2010, by ordinary mail.

S/Michael Williams  
Relief Case Manager, (313) 234-5160